



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

924 BAIL APPLICATION NO. 1794 OF 2025

YOGESH BHIMRAO KONDEWAD ALIAS KONDEWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Ms. Shilpa Dhuraji Magre.

APP for Respondent / State : Mr. P. P. Dawalkar.

Advocate for Respondent No.2 : Ms. Pramila V. Giri. (Appointed).

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 15th October, 2025.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C."), for grant of regular bail in connection with Crime No.213 of 2023, registered at Kuntur Police Station, District Nanded, for the offences punishable under Sections 376(2)(1) and 452 of the Indian Penal Code, 1860 (for short, "the IPC"), under Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 (for short, "the POCSO Act") and under Section 92(d) of the Rights of Persons with Disabilities Act, 2016.

3 The learned counsel for the applicant pointed out the report in which the informant 17-year victim child averred that the

applicant is a friend of her brother Shinu. Both of them came from the field. At that time, the mother of the victim child said that she and the brother of the informant are proceeding for marketing. At that time, they told the applicant to take the victim child with him or lock the door of the house from the outside. Then the applicant locked the door of the house from the outside and went to his house. The applicant then came from the back side of the house. He then committed the aggravated sexual assault on the informant against her will. There was bleeding. At that time, the informant opposed, but the applicant threatened her. After her mother came there. She noticed blood and therefore, report was lodged. The informant was admitted. Her medical examination was conducted.

4 The learned counsel for the applicant submitted that the applicant is falsely implicated in the crime. He has roots in the society and he will not flee away from the trial. The applicant is arrested in the month of November, 2023. More than two years are over. Trial is not yet commenced. The earlier bail application of this applicant was disposed of by this Court vide dated 3rd December, 2025, passed in Bail Application No.1718 of 2023, in which this Court in paragraph No.2 held as under:-

“2. After hearing the matter, the Bail Application is disposed of with liberty to apply afresh before this

court in the event that the trial has not proceeded further after a period of six (06) months.”

5 The learned counsel for the applicant submitted that the trial could not commence even though six months are over. There is unreasonable delay caused for the trial. He, therefore, prayed to grant bail to the applicant.

6 The learned APP for the State and the learned counsel appointed to represent the cause of respondent No.2 strongly opposed the application and submitted that the applicant is booked for serious crime against a child. The applicant has taken disadvantage of the trust reposed by the mother of the informant victim child and committed heinous crime. The earlier bail application of the applicant was disposed of, but the trial was not expedited by this Court by specifying particular period. If the applicant is released on bail, he will pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

7 Perused the charge-sheet, particularly, the report and the statement of the victim child.

8 The applicant is booked for serious crime, by which the victim child suffered lot. She was admitted for the medical treatment.

The report of the medical examination shows that the alleged incident of aggravated sexual assault on her took place and she suffered by heavy bleeding. Considering the serious nature of the crime, though liberty was given by this Court for filing application before this Court after six months if the trial has not concluded, the applicant is not entitled for bail because he is prosecuted for the offence for which punishment of remainder of life can be awarded. The informant is a child and if the applicant is released on bail, he being neighbourer, certainly he will pressurize the prosecution witnesses and tamper with the evidence. The applicant is behind bars for more than two years, but on that ground the applicant is not entitled for bail. However, the trial can be expedited.

9 Considering all these reasons, the application deserves to be rejected. The application is rejected.

10 The learned Trial Court is directed to conclude the trial as expeditiously as possible, in any case within six months. Needless to mention that it is a sessions trial and word “sessions” means once it is started it shall not be stopped till it is concluded. The Trial Court shall also keep in mind that the applicant has right of speedy trial and only because Trial Court is not deciding such under trial prisoners’ cases, the accused are getting bail in the serious crimes like the case in hand.

Therefore, the Trial Court is directed to conclude the trial expeditiously as directed by the Honourable Supreme Court in the case of ***Tapas Kumar Palit Vs. State of Chhattisgarh, 2025 SCC OnLine SC 322.*** As per the said case, the Trial Court is directed to keep the matter regularly for final hearing and report compliance to this Court accordingly.

11 The Trial Court is further directed that if the prosecution, learned counsel for applicant / accused are prolonging or not ready to conduct the trial, heavy costs can be imposed upon them. If the applicant / accused is not produced by the jail authority, the Trial Court may proceed against the jail authority i.e. escort for contempt against the authorities for not following the order of the legal authority of public servant as per the applicable provisions of Chapter X of the Indian Penal Code, 1860 i.e. Chapter XIII of the Bharatiya Nyaya Sanhita, 2023.

12 The fees of the learned counsel appointed to represent the cause of respondent No.2 be paid through the High Court Legal Services Sub-Committee, Aurangabad as per Rules and schedule.

[SANJAY A. DESHMUKH, J.]